

FILED

United States District Court
Northern District of Alabama
Eastern Division

OCT 18 A 11:32
U.S. DISTRICT COURT
N.D. OF ALABAMA

Frankie L. Johnson, #196840

Plaintiff,

CV-13-PT-1928-E

vs.

Cable No. # _____

Officer Joe F. Mangione;
Capt. Carl Sanders; and
Corizon Health Care Services
Defendants.

Civil Rights Complaint And A Demand
For A Trial By Jury

Case now the Plaintiff, Frankie
L. Johnson, #196840, pro se move to
this noble Court pursuant to Title
42 U.S.C. Section 1983, and also Title
18 U.S.C. Section 242. The Plaintiff
also ardently beseeches a Trial By

Thus pursuant to U.S. Const. Amend.
VIII. Whereby, while the above named
 Defendants acted under the color of
 law for the St. Clair Correctional Facility,
 knowingly, intentionally, and in con-
 spicuous violation of the Plaintiff's con-
 stitutional 8th and 14th Amendment
 rights, which are also in accor-
 dance with Ala. Code 1975, 14-03-58;
 therefore in support thereof, the
 Plaintiff states to-wit;

Parties In Complaint

- 1) The Plaintiff, Frankie L. Johnson,
#196840 is currently confined at the
St. Clair Correctional Facility, which is
 located at 1000 St. Clair Road, Spring-
ville, Alabama, 35146, and at all
 times relevant to this complaint, and
 hereinafter described as the Plaintiff.
- 2) The Defendants Officer, Tye F. Mon-
gine, Capt. Carl Sanders, and also,
Corizon Health Care Service Provider,
 can be contacted at the St. Clair
Correctional Facility, which is located
 at 1000 St. Clair Road, Springville, Ala.

35146, are relevant to the events described hereinafter of the Defendants.

Jurisdictional Authority

1.) This noble Court has the jurisdiction over the Plaintiff's claims of violations of his federally secured rights pursuant to Title 42 U.S.C.A. Section 1981(a), and Title 42 U.S.C.A. Section 1983.

2.) This noble Court also has the Supplemental jurisdiction pursuant to Title 28 U.S.C.A. Section, over the Plaintiff's State law claims and deprivations of his civil rights committed by the above named Defendants while they acted under the color of law pursuant to Title 18 U.S.C.A. Section 242.

Cognizable Claims

1.) The Plaintiff, Fankie L. Johnson, hereby states while the Defendant,

Correctional Officer, Ted F. Ilanigione, acted under the color of law, and while in his individual capacity as a Correctional Officer for the St. Clair Correctional Facility, incompetently violated the Plaintiff's 8th Amendment rights by failing to protect the Plaintiff from assault by an inmate whereby, when a prison official displays deliberate indifference and a reckless disregard for the Plaintiff's safety, by incompetently failing to act reasonably in response to an inmate's imminent danger. Once he received the necessary information; whereby, the risk of assault by a dangerous inmate upon another; such a nature and degree, and then disregard it was a gross deviation from the standard of care a correctional officer must exercise in response to this special relationship.

a.) The Plaintiff, Frankie L. Johnson, hereby states that while the Defendant, Captain Carl Soderberg, a Correctional Facility's Custody Supervisor for the St. Clair Correctional Facility, acted under the color of law, in)

his personal and individual capacity, did knowingly and maliciously violate the Plaintiff's 8th Amendment right to not be subjected to cruel and unusual punishment. Wherein, it has been well established that in a case where a Correctional Official who intentionally hinders a prisoner's access to immediate medical care for third (3rd) degree chemical burns, upon which, the defendant hereinabove can be held liable for the consequences of his own intentional acts and omissions when they amount to deliberate indifference (specifically, when a Prison Correctional Supervisor keeps an inmate from receiving the appropriate medical treatment by interference with medical judgment by non-medical factors constitutes deliberate indifference to a serious medical need.

3.) The Plaintiff Frankie L. Johnson, do hereby state that the Correction Health Care Service provider, for the St. Clair Correctional Facility, incompetently violated the Plaintiff's 8th Amendment right by failing to provide a medical system for treating an inmate with

third (3rd) degree chemical burn, a very serious medical need, which significantly affected the Plaintiff's daily activities that proximately caused needless substantial pain, discomfort, which resulted in unnecessary residual bearing; thus, the Corizon Health Care Services' providers failed to meet their obligation to provide the required medical care services that meets the minimal standards of adequacy; and thereby, the lack of proper administration of medical services by nursing personnel, constitutes deliberate indifference in violation of the Plaintiff's 8th Amendment Protections.

Brief Statement of Facts

1) On September 12th, 2018, at approx. 1:00am, the Plaintiff was housed in P-Block, 1-0-0k, Cell #5 at the St. Clair Correctional Facility, when the Defendant Officer - Mr. F. Mongione knowingly and incompetently unlocked the Plaintiff's cell door from the security cube, and actively admitted the inmate,

Ray Grace # the access to the Plaintiff's cell while he was asleep, which violated HOC policy to allow another inmate access to another inmate's cell, specifically - during lock-down hours, and after Inmate - Grace threatened to do severe physical bodily harm to the Plaintiff.

2.) Nonetheless, the Defendant, Officer Mangione's actions were witnessed by several inmates whom were not in their cell. Thus, once Inmate Ray Grace gained access to the Plaintiff's cell impermissibly. Inmate - Grace assaulted the Plaintiff while he was asleep; by throwing a home-made liquefied hair-removal bomb, which is a hair-removal shaving - mixture that removes hair from the facial area. Thus, the dissemination of this dangerous chemical was observed by witnesses before the assault occurred.

3.) Moreover, it must also be noted that the Defendant was placed on notice by Inmate - Grace, when he directly

informed the defendant that he was going to physically harm the Plaintiff; nevertheless, the defendant incompetently disregarded well-established ADOC Standard Operational procedures to allow an inmate access to the Plaintiff's cell; specifically, when the defendant acquired the necessary information that sufficiently placed him on notice that the Plaintiff was going to be physically harm the Plaintiff.

4.) Once the microwaved chemical was thrown on the Plaintiff, he aspen from the intense burning to his face, arm, chest, and stomach areas, thus, once the Plaintiff ran out of his cell covered in the dangerous chemical, several officers were already present, although they watched Therese-Grace enter the Plaintiff's cell and throw the liquefied chemical onto the Plaintiff without any intervention.

5.) Although the Plaintiff was covered in the dangerous substance, he was placed in handcuffs and taken to the facility's infirmary, the only

treatment that was administered was a water solution to his right-eye. that the chemical burns were not treated by the facility's medical service provider, and the Plaintiff was sent back to his dorm although he still suffered intense burning to his skin in several areas of his body to which the medical provider explained she would not administer any medical treatment unless it was ordered by a physician.

b) Thereafter the Plaintiff was placed in the infirmary waiting cage with several other inmates. Therein, at approx. 10:00 am, Correctional Officer Billy Warren came to the facility's sick-cell cage and released the Plaintiff back to the prison population. Thereby, around 11:30 am, the Defendant, Captain Carl Sanders came to P-Block with Capt. Gary Malone and locked all of the inmates in that block in their cells. Therein, the Plaintiff earnestly explained to the Defendant, Capt. Sanders that he needed medical treatment badly and displayed to the Defendant, Capt. Sanders that his skin had come off of the

Surfaces of his skin, where the hot chemical weapon was thrown on him.

7.) Subsequently, the Defendant, Capt. Sanders told the Plaintiff that "he did not give a fuck", and to "shut the fuck up", and also, ordered the Plaintiff to turn around and handcuffed him, and explained to the Plaintiff that he was going to segregation; whereon, once the Plaintiff was in handcuffs, he was escorted by Capt. Malone and the Defendant, Capt. Sanders to the facility's infirmary to obtain a body-chart, which is required before an individual is placed in lock-up.

8.) Once at the infirmary again, the Plaintiff, a male medical provider conducted a body-chart and documented all of the Plaintiff's chemical burns; then, when the Plaintiff asked to be treated for his burns; consequently, the Defendant, Capt. Sanders told the Medical Provider that the Plaintiff didn't need medical treatment, and that he would tough it out in lock-up.

9.) Thereafter, the Plaintiff was cruelly placed in segregation with-
out any form of medical treatment,
and was not administered anything
to ease the pain from the third
(3rd) degree burn to his skin.

Plaintiff's Remedy Sought

Wherefore, the Plaintiff, Frankie L.
Johnson, #196870 hereby request this
noble court to grant the following relief:

Award compensatory damages in the
following amount:

1.) \$ 100,000.00 Dollars against the Defen-
dant Correctional Officer Joe F. Mangione
for failing to protect the Plaintiff
once he was aware of the imminent
danger of an attack and his failure
to remedy the danger.

2.) \$ 100,000.00 Dollars against the Defen-
dant, Capt. Carl Sanders deliberate in-
difference to interfere and keep the
Plaintiff from receiving medical care.

3.) \$ 200,000.00 Dollars against the Carison Health Care Services provider for failing to adequately identify prisoners with serious medical needs, and making sure that they are diagnosed and treated.

Award Punitive Damages In The Following Amounts:

1.) \$ 200,000.00 Dollars against the doctors each for violating the the Plaintiff's clear established constitutional rights.

Respectfully Submitted,

By: Frankie L. Johnson
 Frankie L. Johnson #196870
 Pt. Clair Correctional Facility
 1000 Pt. Clair Road
 Springville, Ala. 35746.

Signed on this 10th day of 14 2013.

Please See attached affidavits.

STATE OF ALABAMA)
)
ST. CLAIR COUNTY)

AFFIDAVIT

Before me, the undersigned Notary Public, personally appeared Ronnie Miller #244610, who being known to me and after first being duly sworn, deposes and says as follows:

My name is Ronnie Miller, and I am over the age of majority and competent to testify to these facts in any court of law.

ON Sep. 12 2013 at 1:30 AM I inmate Ronnie Miller #244610 was up that morning when I saw inmate Ray Grace # [unclear] pacing the floor in p-Block 4 side inmate Ray Grace was pacing from his cell to the microwave then inmate Ray Grace went to the cube and told officer Mangione to opening p-5 cell. then pass officer Mangione notice then went back to the microwave and waited it. until the officers showed up out side the block then he grab the cup out the microwave and run in inmate Frankie L. Johnson cell why the officers was coming in the block when I heard some yelling that when I realize what was going on. when Ray Grace ran back out inmate Johnson cell grabbing a sock out his pocket with a weapon ~~inside~~ inside it. that's when the officers up those sticks and told inmate Ray Grace to lay down. that's when inmate Johnson was coming out his cell with hot chiving powder all over him yelling then the officers told inmate Johnson to lay down on the floor but inmate Frankie Johnson kept telling the officers that he need to get this chiving powder out ~~his~~ his eye. the officers just kept telling him to get on the floor and when he did the officers paged ~~both~~ hand cut on ~~both~~ both inmates and told them out the ~~block~~ block.

Ronnie Miller
Signature of Affiant

Acknowledgement

SWORN TO AND SUBSCRIBED before me, in person, a Notary Public, on this 11th day of October, 2013

Malania W. Poe
Notary Public

4-29-2015
Commission Expires

Frankie Lamont Johnson # 196870 P.L. pick 32 cell
St. Clair Correctional Facility
1000 St. Clair Road
Springville, Ala. 35146

U.S. DISTRICT COURT
NORTHERN DISTRICT OF ALABAMA

United States District Court
Hugo L. Black Federal Courthouse
1729 5th Avenue, North
Birmingham, Ala. 35203-2037

SECURITY

Legal mail

